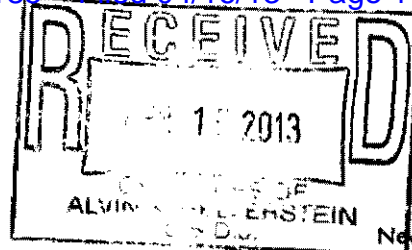


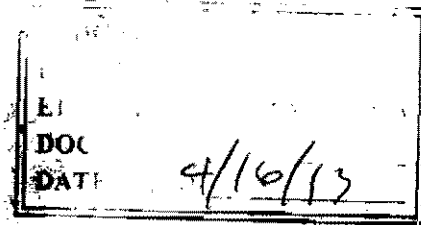
FRANKFURT KURNIT KLEIN & SELZ PC



488 Madison Avenue
New York, New York 10022
Telephone: (212) 980-0120
Facsimile: (212) 593-9175

Edward H. Rosenthal
Direct dial: (212) 826-5524
e-mail: erosenthal@fkks.com

April 12, 2013



BY FACSIMILE (212-805-7942)

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1050
New York, New York 10007-1312

So ordered
4/15/13
Alvin K. Hellerstein

Re: Estate of Aldo Vera v. Republic of Cuba, No. 12-cv-1596 (AKH)

Dear Judge Hellerstein:

We represent the plaintiffs in *Villoldo, et al. v. Ruz, et al.*, No. 11-cv-9394 (LTS), Alfredo Villoldo and Gustavo E. Villoldo, individually, and as Administrator, Executor, and Personal Representative of the Estate of Gustavo Villoldo Argilagos ("Villoldo Plaintiffs"). The Villoldo Plaintiffs are also Intervenor in the above-referenced matter before this Court ("Vera Matter"). We write to request leave to file a sur-reply in the Vera Matter.

By Order dated March 5, 2013 (Dkt. No. 122), this Court invited the Villoldo Plaintiffs to intervene in the Vera Matter regarding the parties' competing claims to funds sought in the Estate of Aldo Vera's ("Vera") motion for turnover filed against Commerzbank A.G. Accordingly, on March 29, 2013, we filed a memorandum of law seeking to intervene in the dispute as to the right to the funds in question and opposing Vera's Motion for Turnover filed against Commerzbank AG and all other pending turnover motions. (Dkt. No. 156).

On April 5, 2013, Vera filed a Reply to our Opposition, in which he raised new material issues that were not previously addressed in its turnover motion. First, Vera asserts that the Villoldo Plaintiffs' judgment is not enforceable. Second, Vera asserts that it has substantially complied with service under the Foreign Sovereign Immunities Act. Neither of these issues was addressed in Vera's turnover motion. As to the new issues, the Villoldo Plaintiffs respectfully request the opportunity to address them in a sur-reply, to be filed on or before Friday, April 19, 2013. *See Bayway Refining Co. v. Oxygenated Marketing and Trading A.G.*, 215 F.3d 219, 227 (2d Cir. 2000) (where a party presents new support in a reply brief, the district court should permit a sur-reply).

Counsel for Vera has consented to the Villoldo Plaintiffs' request to file a sur-reply, although they have stated that they do not agree that the Villoldo Plaintiffs' statement herein of

FRANKFURT KURNIT KLEIN & SELZ PC

Hon. Alvin K. Hellerstein

April 12, 2013

Page 2

the claimed new issues is accurate. Accordingly, we respectfully request that the Court grant the Villoldo Plaintiffs' request for leave to file a sur-reply in the Vera Matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward Rosenthal", followed by a circled monogram "jme".

Edward H. Rosenthal

cc: Robert Swift, Esq. (via e-mail rswift@koh Swift.com)
Andrew C. Hall, Esq.
Roarke Maxwell, Esq.
Beth I. Goldman, Esq.